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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SHELLEY LAU and MARTIN LECLERC

Appeal 2011-004407
Application 10/907,412
Technology Center 2100

Before ST. JOHN COURTENAY III, THU A. DANG and
CARL W. WHITEHEAD JR., *Administrative Patent Judges.*

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-7, 9, 10, 24, and 26-35. Claims 8, 11-23, and 25 were cancelled during prosecution. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' claimed invention "relates generally to developing an enterprise application, and more particularly, to a method and system for

integrating various development tools for the enterprise application." (Spec. 1). Independent claim 1, reproduced below, is representative of the subject matter on appeal:

1. A method of managing development of an enterprise application, the method comprising:

generating an enterprise application view that includes a unique display area for each of a plurality of logical tiers for the enterprise application, wherein each unique display area includes a set of objects that represent at least one of a corresponding unique set of components for each of the plurality of logical tiers, wherein each component provides functionality used by the enterprise application;

providing the enterprise application view for display to a user; and

managing a set of interface layers for enabling the enterprise application view to interface with *a set of development tools, wherein each development tool is configured to manage development of a component of a corresponding component type* using at least one editor, distinct from the enterprise application view, for displaying and editing data used to generate the component of the corresponding component type, and each interface layer providing a mapping that enables and exchange of data on events between the enterprise application view and the at least one editor for at least one of the set of development tools using an application programming interface and an integrated response to the events by the enterprise application view and the at least one editor, wherein the events include selection events received from the enterprise application view and the at least one editor.

(Disputed limitation emphasized).

REJECTION

The Examiner rejected claims 1-7, 9, 10, 24 and 26-35 under 35 U.S.C. § 103(a) based upon the combined teachings and suggestions of

Poole (US Patent Application Publication 2003/0041311 A1) and Narayanaswamy (US Patent Application 7,069,533).

GROUPING OF CLAIMS

Based on Appellants' arguments, we decide the appeal of the obviousness rejection on the basis of representative claims 1, 26, and 31. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004). [1]

ANALYSIS

Appellants contend: "[i]ntegral to claim 1 (and also claims 26 and 31) is the presence of a set of development tools, wherein each development tool is configured to manage development of a component of a corresponding component type. This claimed teaching cannot be found in the combination of Poole and Narayanaswamy." (App. Br. 8). In support, Appellants contend the Examiner has improperly construed the claim term "development tool":

> Of note, Examiner's claim construction of "development tool" as "deployment tool" is both flawed and represents reversible error. A "development tool" on its face is a tool used to develop computer programs. In contrast, a "deployment tool" on its face is a tool used to deploy already developed computer programs. The contrast presented by Appellants is well understood, even by Narayamaswam[y] as evidenced by column 5, lines 46 through 48 of Narayamaswamy in which it is stated:

[1] Appellants filed a Notice of Appeal on Feb. 16, 2010. The date of filing the Notice of Appeal determines which set of rules applies to an Ex Parte appeal. If a Notice of Appeal is filed prior to January 23, 2012, then the 2004 version of the Board Rules last published in the 2011 edition of Title 37 of the Code of Federal Regulations (37 C.F.R. § 41.1 et seq.) applies to the appeal. *See also* MPEP Rev. 8, July 2010.

> Deployable components may be created by using any one of the available enterprise development environment tools.

(App. Br. 12).

However, we observe the Examiner relies on the *combination* of references (including the teachings and suggestions of Poole) in reaching the legal conclusion of obviousness:

> As noted in the Final Rejection, Poole and Narayanaswamy disclose inventions relating to the development of an application for deployment. Poole teaches an *Integrated Development Environment* for use in constructing a multi-tier business application (see 0009). Narayanaswamy teaches tools for editing components that are integrated and invoked within an application development environment (see lines 5-11 of column 4). Thus, the references fall within the same field of one another. Further, in this particular rejection, the Poole and Narayanaswamy are combinable in order to obtain an editor for displaying and editing data corresponding to a component. One would have been motivated to make such a combination to allow customization specific to the deployment of an application (see Narayanaswamy, lines 65-67 of column 1 and 1-11 of column 2).

(Ans. 16, emphasis added).

As pointed to by the Examiner (*id*.), Narayanaswamy also teaches a development environment:

> In one embodiment, two classes implement the deployment wizard interface 102. One class 104 communicates with a *development environment tool interface 104*, such as the Advantage Joe interface, and may be invoked within the *development environment* tool.

(Narayanaswamy, col. 4, ll. 5-9, emphasis added).

We further observe that Poole teaches an integrated development environment (paras. [0009, 0030-031]) and a set of development tools, e.g.,

paras. [0032-0033]) (Ans. 12). We also observe Appellants have not filed a Reply Brief to further rebut the Examiner's responsive arguments. (Ans. 12-17). Therefore, on this record, we are not persuaded the Examiner's claim construction is overly broad, unreasonable, or inconsistent with the Specification. Thus, for essentially the same reasons articulated by the Examiner in the Answer (12-17), we find the proffered combination of Narayanaswamy and Poole would have taught or suggested the disputed "*set of development tools, wherein each development tool is configured to manage development of a component of a corresponding component type*," within the meaning of representative claim 1.

Moreover, we find Appellants' claim invention is merely an arrangement of familiar elements with each element performing the same function it had been known to perform and thus yielding a predictable result. We are also mindful that the skilled artisan would "be able to fit the teachings of multiple patents together like pieces of a puzzle" since the skilled artisan is "a person of ordinary creativity, not an automaton." KSR, 550 U.S. 398, 420-21 (2007). Notwithstanding Appellants' arguments, we do not find the Examiner's proffered combination of familiar elements would have been "uniquely challenging or difficult for one of ordinary skill in the art." *See Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (*citing* KSR, 550 U.S. at 418).

Accordingly, we sustain the Examiner's rejection of claim 1, and claims 2-7, 9, 10, and 24 (not argued separately) which depend thereon. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004).

Independent Claims 26 and 31

Appellants do not advance separate arguments for independent claims 26 and 31. (App. Br. 8). Therefore, we sustain claims 26 and 31, and the claims that depend therefrom, for the same reasons discussed above regarding claim 1.

CONCLUSION OF LAW

For the aforementioned reasons, on this record, we are not persuaded of error regarding the Examiner's underlying factual findings and ultimate legal conclusion of obviousness.

DECISION

We affirm the Examiner's §103 rejection of claims 1-7, 9, 10, 24, and 26-35.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

pgc